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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-sixth session

SUMMARY RECORD OF THE 694th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 24 January 2001, at 3 p.m.

Chairperson: Ms. MOKHUANE
(Vice-Chairperson)

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In the absence of the Chairperson, Ms. Mokhuane, Vice-Chairperson, took the Chair.

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) *(continued)*

Initial report of the Dominican Republic *(continued)* (CRC/C/8/Add.40; CRC/C/Q/DOMREP/1; written replies of the Government of the Dominican Republic to the questions in the list of issues (document without a symbol distributed in the meeting room in English only); supplementary report of the Dominican Republic (document without a symbol distributed in the meeting room in Spanish only))

1. At the invitation of the Chairperson, the members of the delegation of the Dominican Republic resumed places at the Committee table.

2. Mr. VERAS (Dominican Republic) said that although most families in the Dominican Republic were Catholic, the freedom of children to choose their religion and to express their views was guaranteed under article 8 of the Constitution. Young people were also free to choose from a wide range of activities and study options to further their development.

3. Disciplinary measures were taken against all law enforcement officials guilty of brutality towards juvenile or adult offenders. In addition to a general restructuring of the police, specialized law enforcement officials for juveniles had been introduced pursuant to Act No. 14-94 establishing the Code for the Protection of Children and Adolescents.

4. The system of guardianship in exchange for domestic work was a traditional means by which children whose parents could not afford to look after them earned an education, clothing and a healthy diet for them by carrying out household duties for a wealthier family. It permitted many such children to become professionally trained when they would not otherwise have been able to do so.

5. There were currently insufficient resources to provide accommodation and rehabilitation for the increasing number of street children. The Government provided financial and technical support to non-governmental organizations (NGOs) active in the field, but it would require further international assistance to meet the needs of all the children living on the streets.

6. Mr. FLORES (Dominican Republic) said that adoption procedures were regulated by the Code for the Protection of Children and Adolescents. Strict moral, physical and economic criteria were required to be met by prospective adoptive parents, and preference was given to citizens resident in the Dominican Republic. Approval had to be received from both the Office of the Attorney-General and Ministry of Foreign Affairs in cases of international adoption.

7. Mr. VERAS (Dominican Republic) said that children could either be offered for adoption by their parents or taken away from families in extreme cases of neglect. His Government was

currently drawing up new legislation concerning voluntary adoption, while if a situation of neglect was confirmed, the authorities always sought a family of relatives before resorting to adoption.

8. Adolescent parents and single mothers were assisted by a support programme which included day-care centres and courses on parenthood run by the National Council for Children (CONANI).

9. A government public awareness programme concerning the Convention on the Rights of the Child had been under way for some time with assistance from the United Nations Children's Fund (UNICEF), and persons working in the area of child rights were trained to be fully aware of the Convention's provisions.

10. The legal framework for cases of child abuse was provided by Act No. 14-94. There was currently one shelter for abused girls, which catered for an area equivalent to 25 per cent of the Dominican Republic, and the Government was planning to build another in the near future, with a view to extending services to other provinces.

11. Ms. SANTANA (Dominican Republic) said that the age of majority was 18 years, and children over the age of 12 were considered to be adolescents by the juvenile justice system. The National Congress was currently considering a bill on the establishment of a Child's Ombudsman, and a coordinated effort was being made to revise existing legislation to take children's rights into account.

12. In reply to questions concerning pre-trial detention and deprivation of liberty, she said that criminal proceedings applied only to adolescents accused of serious crimes, such as murder, robbery, drug dealing and carrying dangerous weapons. The Judicial Training College provided judges with courses on alternative sentencing, and many juvenile cases were resolved before they reached the courts. Extended periods of pre-trial detention were often the result of a backlog of cases, caused by a shortage of courtrooms, but there were officially appointed lawyers working to ensure prompt trials for juvenile offenders, and everything possible was being done to achieve that objective. The Government had also accepted the principle of using deprivation of liberty only as a last resort in juvenile justice, and all the competent authorities were attempting to reform the system with that in mind.

13. Mr. VERAS (Dominican Republic) said that a commission had been established to investigate the issue of pre-trial detention of juveniles, consisting of representatives of CONANI, the Office of the Commissioner for the Reform and Modernization of Justice, the Executive Technical Department of the Governing Body (DTEOR) and UNICEF. The Office of the Commissioner for the Reform and Modernization of Justice also supported projects designed to ensure that the rights of juvenile offenders were respected. Further technical support was still required to assist with the rehabilitation of young offenders, in order to replace prison sentences with programmes for their reintegration into society.

14. Ms. JOA (Dominican Republic) said that the Government was trying to bring a new sense of leadership to the education system. Its priority was to ensure that all children, from whatever social background, could fulfil their potential and participate actively in Dominican

society. Education was compulsory between the ages of 5 and 18 years, with secondary education beginning at 14. The failure of some parents to obtain birth certificates for their children was not necessarily a barrier to school enrolment. For instance, schooling was provided for the children of Haitian sugar cane workers, whether or not they had birth certificates and whether or not they lived in the Dominican Republic.

15. Pregnant Haitian women received adequate health care in the border regions and, with the exception of isolated cases, did not suffer from discrimination in hospitals.

16. "Over age" children were those who found themselves in a school year group designed for younger children, which occurred as a consequence of not having enrolled in time or because of overcrowding. The Government intended to prevent such problems by building new schools, particularly in rural areas, which it hoped would increase the proportion of school-age children in education from 90 to 100 per cent.

17. Psychologists and special-needs teachers worked in schools to assist children with learning and behavioural difficulties. Parents, teachers and head teachers were all involved in the process of helping those children and in preventing conflicts from arising in lessons.

18. The basic education curriculum for children in the 6 to 13 age group included tuition designed to instil a set of values with a view to promoting harmony in the family and in society.

19. Students at the intermediate level of education participated in the work of school councils, which dealt with issues such as the planning of courses and classroom interaction with teachers. The ultimate aim was to involve communities in the individual regions in decision-making on the appointment and dismissal of teachers. Schools for parents were designed to promote a stimulating social and educational environment for students by strengthening the family and seeking to restore some of the values that had been undermined by recent developments in society.

20. The Ministry of Education intended to establish a national register of students which would provide objective information about such problems as the drop-out rate. The availability of reliable figures on the number of children and teachers at public and private schools would enable the authorities to develop more effective policies on education in general and on such matters as school lunches, transport and uniforms.

21. Mr. VERAS (Dominican Republic) said that the results of the survey conducted with UNICEF on the theme "It is for children to say what kind of country we want" would be used as a frame of reference for the National Plan of Action for Children. The Government fully supported initiatives such as the social mobilization project for the rights of the child in the knowledge that such initiatives ensured more effective implementation of the Convention.

22. The authorities entertained harmonious working relations with NGOs. There were plans to coordinate joint action on behalf of children and adolescents with a coalition of NGOs.

23. Act No. 14-94 establishing the Code for the Protection of Children and Adolescents clearly specified the parental responsibilities of both father and mother, and established penalties

for failure to fulfil those responsibilities. An awareness-building campaign had been carried out with the support of the Catholic Church, which had recently made public statements on the duties of parents and guardians.

24. The Government provided financial assistance and the services of psychologists and social workers to an NGO called the Family Institute, which extended psychological, technical and moral support to families in need, particularly in cases of family breakdown. The Institute also carried out psychological assessments of prospective adoptive parents. A former President of the NGO was now the Minister in the Office of the President, and was therefore fully conversant with the problems involved.

25. He wished to impress on the Committee that the issue of immigration from Haiti was not a recent phenomenon but a cultural and historical problem. Every effort had been made to provide Haitian immigrants with housing, educational facilities, health care and social security. The previous President had set up the Directorate-General for Development of the Frontier Area, which had been further strengthened by the current Government. In that connection, he stressed that Dominican children in the frontier area were also affected by poverty.

26. Ms. VICIOSO (Dominican Republic) said that the Ministries of Foreign Affairs of the Dominican Republic and Haiti were developing a migration policy that reflected the current circumstances of the two countries. Poverty, marginalization, lack of birth certificates and inadequate health care affected children in both countries, but the issue of deportation of Haitian children and possible discrimination against them by some public entities was currently being addressed.

27. A training course on women and development had been organized for all staff of the Ministry of Foreign Affairs to ensure that, for example, the more than 60,000 Dominican women immigrants in Europe could rely on effective and sensitive assistance from Dominican embassies and consulates abroad in dealing with any problems they encountered. Work was also under way on a training course on the Convention for the Ministry staff, because diplomatic staff were constantly confronted with problems affecting Dominican children.

28. Mr. VERAS (Dominican Republic) said that the process of development of the frontier area had begun in the 1980s and was coordinated by the Dominican and Haitian Ministries of Foreign Affairs.

29. Ms. RILANTONO asked whether there was an awareness-building campaign to encourage people to register births and whether registration was free of charge.

30. Noting that the infant mortality rate was high throughout the country and twice as high in rural areas, and that there was limited access to health-care centres, safe water and sanitation facilities, she stressed the importance of health education and public-health awareness campaigns. External help was important in devising campaigns and also in improving the infrastructure of primary health-care centres. She inquired about the incidence of tuberculosis and malaria in the Dominican Republic. Adolescents apparently accounted for one in four pregnancies and 10 per cent of all hospital beds were occupied by women with post-abortion complications; those were particularly disturbing statistics. She also understood that there was a

close correlation between the figures for HIV infection and AIDS and cases of sexual exploitation. Were there any special programmes to deal with those problems? The shortage of doctors was another problem that needed to be addressed.

31. She wished to know whether there had been a preliminary evaluation of the results of the Ten-Year Education Plan (1992-2002) in terms of teacher training, provision of educational materials and textbooks, school infrastructure, etc. Was more attention being focused on the early years of primary education? What steps had been taken to encourage parents to enrol their children in school instead of sending them out to work?

32. The lack of physical education in schools was attributed to the lack of space and facilities, but all that was needed was a yard where children could play football and other games, an essential part of their physical and emotional development.

33. Were there any pre-school facilities and, if so, were they run by the public authorities or by NGOs?

34. Tourism was clearly beneficial in terms of its contribution to the economy but it was also associated with the problem of child prostitution. What health-care facilities were available to the children concerned? Had any studies been carried out with a view to combating the problem and developing a rehabilitation policy?

35. Mr. DOEK asked how effective legislation on child abuse was in terms of allowing children to report to an easily accessible body or a relative. Was there a special body to deal with such complaints and, if not, how were they handled by the authorities, particularly the police?

36. With regard to disabled children, he wished to know whether the focus was on integration into regular education or provision of special education facilities. How many special schools had been established? The National Council for Prevention and the Rehabilitation, Education and Social Integration of Disabled Persons had a very limited budget. He asked whether there were any plans to increase its budget and improve its activities. There seemed to be little provision for access by disabled persons to public buildings or for special traffic measures.

37. He would welcome information about action to educate the Dominican population as well as Haitians in the western part of the country about HIV/AIDS and to provide easily accessible health-care services.

38. He understood that there had been a heated debate in the country about the issue of reproductive health education in schools. An education plan drawn up some years previously by NGOs and the Government had not been implemented. Had it been shelved or were there plans to introduce it in due course?

39. According to the World Bank, 13 per cent of children aged between 7 and 14 were not attending school and about 16 per cent of minors aged between 10 and 17 were illiterate.

There was also a high drop-out rate. What was being done to address the issue of drop-out, non-enrolment and the fact that only 58 per cent of elementary schoolchildren completed grade five? He was also troubled by the low figures for secondary school enrolment: 34 per cent for boys and 47 per cent for girls.

40. Referring to the Memorandum of Understanding between the International Labour Organization (ILO) and the Dominican Government, he noted that the International Programme for the Elimination of Child Labour (IPEC) was running projects in the municipality of Constanza designed to remove 250 child labourers from agricultural plantations. He asked whether the Government was involved in funding the projects or whether they were funded entirely by ILO. Were there any other projects to address child labour in which the Government was involved? It was essential to ensure that the results of such projects were sustainable and extended to other sectors of the economy. Was there any policy on sustainability or were projects merely conducted on a piecemeal basis?

41. Ms. SARDENBERG said she had the impression that education and health facilities were concentrated in urban areas to the detriment of rural areas. She would be interested to learn whether the Government had a policy to address that problem.

42. With regard to family breakdown, she would welcome information about the shortage of childcare facilities for working mothers and the number of children's shelters.

43. What exactly were "educational centres"? Were they run by the Government or by the community? She would appreciate more details about the new gender approach in schools. She understood that the General Children's Act based on the Convention, which had been in force for seven months, was the result of a joint effort by a number of different bodies. Had young people also been involved in the drafting process?

44. She inquired about the sub-registry of persons suffering from AIDS and the correlation between child prostitution and cases of HIV/AIDS.

45. The Committee would be interested to know what measures had been taken with regard to the Government's plans for police reform.

46. The existing situation with regard to prostitution and sex tourism was most alarming; there were reports that it was a threat to the development of the country's human resources and that up to 25 per cent of children of both sexes were involved. It appeared that the number of cases was under-reported and also that some cases were associated with rape. How was the new Government planning to combat the problem?

47. Mr. RABAH said that, according to the Convention, education was compulsory, particularly at the primary level. According to the information provided, however, classes in public schools were overcrowded and many school buildings in rural and marginal urban areas were in a serious state of disrepair. In view of those conditions, many people avoided public schools and that could lead to a problem of discrimination between public and private schools. Further information should be provided on the public school system in the Dominican Republic.

48. It appeared that there were problems with the water supply, because the consumption of water was a source of numerous diseases, particularly for children. Was the Government taking any measures to improve the situation?

49. The report provided information on the principles and procedures established in Act No. 14-94 (Code for the Protection of Children and Adolescents) to protect the rights of children in conflict with the law. However, further information would be useful on the role of the social worker when a child was detained and whether young offenders were eligible for legal aid. It appeared that, in 1996, there had been a total of 1,479 young offenders but only two detention centres. He said he would appreciate additional information on the detention centres and asked whether there were any rehabilitation centres. It would also be useful to know whether judges in juvenile cases received specific training and were specialized in juvenile justice. Was there any coordination between NGOs working with juvenile offenders and the courts, particularly in Santo Domingo?

50. Mr. DOEK said that, according to the written replies, data on young offenders was broken down into various categories: committed, tried, released and pending. It appeared that 2,411 young offenders had been committed and 1,438 had been released between January 1999 and June 2000; did that mean that they had been released from pre-trial detention or acquitted and, if so, why and at what stage of the proceedings? There were 671 pending cases; did that mean that all the children were in pre-trial detention? A special youth unit in the Police Force had also been mentioned and it would be interesting to know whether it had already been set up or was at the planning stage.

51. The CHAIRPERSON said that the report had referred only to article 28 of the Convention, on the right to education, and had ignored article 29, which referred to the purposes and content of education; she would be interested to learn about the aims of education in the Dominican Republic.

52. The State party had reported on the physical health of children, but had made no mention of their mental health. Additional information would be useful about whether there were cases of autism or other mental conditions among young children, and about the adolescent suicide rate and its principal causes. Information should also be provided on the use of tobacco and alcohol among young people, and also on substance abuse.

53. According to the report, most women had heard about birth control but had little knowledge of methods. Further information would be welcome on the use of contraception, particularly among adolescents.

The meeting was suspended at 4.38 p.m. and resumed at 4.55 p.m.

54. Mr. VERAS (Dominican Republic) said that birth registration was free of charge in the Dominican Republic. In order to guarantee the right of all children to a birth certificate, the Government was establishing a system whereby, in every public health centre, there was one person specifically responsible for facilitating the procedure.

55. Child prostitution was a problem that affected all Latin American countries which relied on tourism for a major part of their revenue. The Government was very concerned about the issue and the President had recently signed a decree establishing a commission responsible for eradicating child prostitution. Studies had been carried out with the collaboration of the Ministry for Youth, the Ministry of Labour and the National Police to identify the principal sites, which coincided with the major tourist centres. The Government was providing technical and financial assistance to NGOs for the implementation of projects such as *Ninos Caminantes*, in Boca Chica, which undertook activities intended to prevent the commercial and sexual exploitation of boys and girls working in the beach areas. Regulations were being tightened and work was being done at the level of the family and community organizations.

56. However, since the problem was related to sex tourism, it had an international dimension. The Dominican Republic could capture and deport tourists found corrupting the country's children, but if their countries of origin did not follow up the cases, there was no deterrent for perpetrators.

57. The Dominican Republic was also endeavouring to eradicate child labour. There was now a law regulating child labour and the country had ratified the ILO Minimum Age Convention, 1973 (No. 138) and Worst Forms of Child Labour Convention, 1999 (No. 182). Much of the child labour in the country was associated with agriculture and the Government was working with ILO to eliminate it; a pilot project had been executed in Constanza, with the financial assistance of IPEC, and there were plans to expand it to other agricultural areas, such as San Francisco Macoris.

58. Since both child labour and child prostitution were ultimately work-related problems, the Government had presented a proposal to ILO requesting technical cooperation and financial assistance in order to elaborate a programme for the eradication of both.

59. The General Children's Act, adopted in July 2000, which regulated and guaranteed the rights of children, had been prepared by young people from the three majority parties. Among other matters, the act provided that the Directorate General for the Advancement of Young People should be raised to the status of Ministry of Youth.

60. In the Dominican Republic, 60 per cent of the population was under 35 years of age. Consequently, there was a young person in a decision-making position in each Ministry. The Legal Adviser to the President, which was the fourth most important position in the country, was only 33 years of age.

61. The police reform had not been accomplished; however, the Government had commenced the process to strengthen the police force and, in cooperation with the Office of the Attorney-General and the National Directorate of Prisons, special technical, educational and psychological training was being provided to police officers who worked with children or in juvenile detention centres. The first group of special police had graduated in December 2000.

62. Ms. SANTANA (Dominican Republic) said that the figures in the report on young offenders in detention centres had been provided by the Legal Statistics Office and were very

general; more specific information was now available. Nationwide, 605 young offenders were detained: 26 girls and 579 boys. There were two detention centres where young offenders could be interned for a maximum of two years for serious offences such as homicide or the sale of drugs - the Maximo Antonio Alvarez de la Vega Institute, which received those whose sentences were final, and the Juvenile Preparatory Institute in San Cristobal, both of which had training workshops - together they currently housed 234 inmates. The Institute for Girls was the only segregated centre for girls and had a population of 26; there were 42 minors in the Children's Evaluation and Reference Centre, and 303 in the children's wing of the central prison; however, a separate detention centre was under construction.

63. Based on reports prepared by the social worker, the psychologist and a teacher, the judge made a provisional decision on the assumption that the offender was a minor. Further studies were then conducted to determine the real age of the offender (pelvic measurements, dental examination) before the final judgement was pronounced. While a child was in detention, the judge could review the sentence in the light of reports received from the social workers and the psychologists at the centre.

64. Judges received continuous training at the special school for judges. Prior to being appointed to juvenile cases on the basis of the curriculum, examinations and special training, judges were evaluated during one year. Juvenile judges sat in five courts and four more courts were being established, so that there would be one for each of the nine judicial departments.

65. Children were guaranteed legal aid for their defence and could appeal the decision of a trial court.

66. Social workers formed part of technical teams of about three professionals, who worked part-time with the detention centres, because the budget was insufficient to ensure their services on a full-time basis.

67. The courts for children and adolescents heard not only cases of juvenile offenders, but also those involving custody disputes and challenges against adoption procedures. In her duties as a judge, she had twice in the past two years issued orders to prevent the enforcement of decisions which could have been prejudicial to the best interests of the child. Alternative sentencing existed in the form of a probation system. Any costs involved must be seen as an investment, as they would serve to help safeguard the life and assets of members of society in the future.

68. In a departure from past practice, the courts now sought a child's opinion concerning custody in divorce cases. A judge was assigned to interview the child away from the formal courtroom environment.

69. Ms. JOA (Dominican Republic) said that two assessments had been conducted of the Ten-Year Education Plan which was to end in 2002, one with the support of the Inter-American Development Bank and the World Bank, and another with assistance from the United States Agency for International Development. While many initiatives had begun in 1992, some had been successful while others had stagnated. For example, it was necessary to reactivate the

parents' associations, which had ceased to function. The Government was moving towards the adoption of a new strategic plan for education, and was counting on assistance from various international bodies, including the European Commission.

70. The Government had emphasized primary education more than the other levels, and had taken out three loans from the World Bank to improve that sector. It would attempt in the coming four years to provide pre-school education to the 70 per cent of children who were not receiving it and to organize informal pre-school services for children from the age of three or four. Discussions were currently under way with a view to organizing pre-school centres on the model of a system already in use for the children of employees of the Dominican Social Security Institute.

71. While sex education had been a matter of controversy in the past, the Government and the Catholic church had come to an agreement making it possible for the subject to be taught in schools. The gender perspective had been introduced into school textbooks. School enrolment was indeed higher in urban areas than in the countryside, but a project to improve rural education was under way. Thanks to a substantial donation from the private sector, 90 virtual classrooms would be set up, with Internet access, air-conditioning and 10 computers each, to provide services in isolated and mountain areas. Computers were currently provided for secondary schools and would, with international assistance, soon be extended to primary schools.

72. It was not certain that the high number of children reportedly not attending school were drop-outs. As overall enrolment was rising with each year, the statistics might also reflect a trend of migration from one city or district to another. With the assistance of the Inter-American Development Bank, the Government was planning in March 2001 to set up a national registry of students, which should help shed light on the problem. An effort would be made to cross-check information from the national registry and from student identification cards against data from the Central Election Board, which issued the national identity cards, in order to ascertain the percentage of students who graduated secondary school and the occupations they chose.

73. Discrimination owing to the poor state of public schools was a problem. As part of its decentralization effort, the Government was encouraging local school maintenance authorities to assume more responsibility and to seek additional funding from sources other than the State budget, which continued nonetheless to support local schools.

74. In 1997 the State Secretariat for Education and Culture (SEEC) had reoriented special education with the aim of integrating disabled students into regular schools. Such students still faced numerous obstacles, including architectural barriers, but the Government was working in a pilot project with the help of a Spanish NGO to remove such obstacles at one vocational school.

75. While many women were unaware of HIV/AIDS, the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the United Nations Population Fund were carrying out reproductive health programmes with the State Secretariat for Public Health and Social Welfare, whose activities were conducted in many areas, including the *bateys*.

76. Mr. VERAS (Dominican Republic) said that efforts had been made to improve the public health infrastructure throughout the country. Various clinics had been set up in isolated and

mountain communities. Congress was currently considering a draft law on social security, and was expected to adopt it within a few months. There were too few centres for the rehabilitation of child victims of mental illness and substance abuse. Those that did offer services received support from NGOs and from Government sources.

77. Ms. RILANTONO summarized the Committee's consideration of the initial report and presented ideas for the drafting of concluding observations. The Government had shown its commitment to the rights of the child, and had taken positive steps towards the implementation of the Convention.

The meeting rose at 6 p.m.